

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3834

IN THE MATTER OF:

Served October 23, 1991

Application of WHEELCHAIR EXPRESS,)
INC., for Temporary Authority --)
Irregular Route Operations)

Case No. AP-91-28

By application accepted for filing on September 20, 1991, Wheelchair Express, Inc. (Express or applicant), a Maryland corporation, seeks temporary authority to transport passengers in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a manufacturer's designed seating capacity of 15 or fewer persons, including the driver.

Order No. 3818, served September 24, 1991, generally described the evidence submitted with the application, and that order is incorporated herein by reference. Order No. 3818 served as publication of notice and directed that protests, if any, be filed in accordance with Commission Rule No. 13 and Commission Regulation No. 54-04(a) no later than Friday, October 4, 1991. No protest was filed.

Title II, Article XI, Section 13 of the Compact provides that the Commission may grant an application for temporary authority, without a hearing or other proceeding, if it finds that there is an immediate need for the service proposed by the application and that no other carrier service is available to meet that need. Fitness of the applicant is also required. See Application of Suburban Transit Company for Temporary Authority to Serve the Capital Centre, Order No. 1643, served January 24, 1977; Application of American Coach Lines, Inc., for Declaratory Order or, in the Alternative, Temporary Authority to Conduct Charter Operations Between Points in the Metropolitan District, Order No. 2738, served July 22, 1985. See also Order Nos. 2440, 2448, 2864, and 3221, served July 22, 1983; August 10, 1983; May 23, 1986; and August 23, 1988, respectively.

Inasmuch as no duly authorized carrier protested this application, thereby indicating its ability, willingness, and availability to provide the service proposed by applicant to be performed for College Park Radiation Therapy Associates, the Commission finds that no other carrier is capable of meeting the need for the proposed service. It is further found, based on the evidence of record, that there is an immediate need for this service and that applicant is fit to provide it.

THEREFORE, IT IS ORDERED:

1. That Wheelchair Express, Inc., is hereby conditionally granted a maximum of 180 days temporary authority, contingent upon timely compliance with the terms of this order, to transport

passengers in irregular route operations between points in the Metropolitan District for the account of College Park Radiation Therapy Associates, restricted to transportation in vehicles properly equipped for the safe transport of wheelchair-bound passengers.

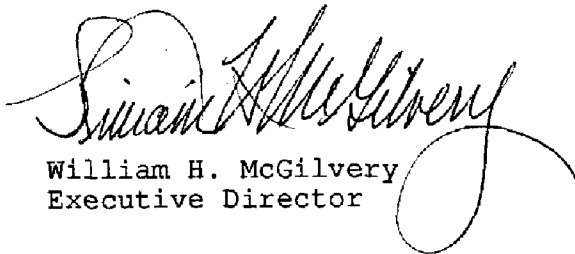
2. That Wheelchair Express, Inc., is hereby directed, no later than 30 days from the date of this order, to (a) identify its vehicles in accordance with Commission Regulation No. 61; (b) file an affidavit of compliance with Commission Regulation No. 61; (c) file three copies of its WMATC Temporary Tariff No. AP-91-28, each copy consisting of a complete, fully-executed copy of the account agreement between College Park Radiation Therapy Associates and Wheelchair Express, Inc.; (d) file an equipment list stating year, make, model, serial number, vehicle number (if any), seating capacity, license plate number (with jurisdiction), and vehicle modifications for the safe transport of wheelchair-bound passengers for all vehicles to be used in revenue operations for the account of College Park Radiation Therapy Associates; (e) file evidence of ownership, and, if any vehicles are owned by an entity other than Wheelchair Express, Inc., lease(s), as appropriate, for all vehicles to be used in revenue operations for the account of College Park Radiation Therapy Associates; (f) file a certificate of insurance in conformance with Commission Regulation No. 58 covering all vehicles to be used in revenue operations for the account of College Park Radiation Therapy Associates; and (g) file an affidavit stating its official business address.

3. That the Executive Director shall notify Wheelchair Express, Inc., in writing, upon its timely compliance with the requirements of this order, that it may commence operations pursuant to temporary authority.

4. That the temporary authority granted herein shall expire Monday, April 20, 1992, unless otherwise ordered by the Commission.

5. That unless Wheelchair Express, Inc., complies with the requirements of this order within 30 days from date of issuance or such additional time as the Commission may direct or allow, the grant of authority contained herein shall be void, and this application shall stand denied in its entirety, effective upon the expiration of the said compliance time.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS DAVENPORT, SCHIFTER, AND SHANNON:


William H. McGilvery
Executive Director